

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAMES CURTIS KERN,  
Plaintiff,  
v.  
A.F. ALPHONSO,  
Defendant.

No. 1:24-cv-01195-KES-SAB (PC)  
ORDER DISMISSING ACTION WITH  
PREJUDICE

Doc. 15

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

On October 14, 2025, the Court adopted the findings and recommendations in part, dismissed plaintiff's second amended complaint for failure to state a cognizable claim for relief, and granted plaintiff thirty days to file a third amended complaint. Doc. 15. Plaintiff was warned that if he failed to file a third amended complaint within the specified time, this action would be dismissed. *Id.* at 3. Despite the Court's warning, plaintiff has failed to file a third amended complaint and the deadline for him to do so has expired. As a result, there is no pleading on file which sets forth any claims upon which relief may be granted.

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1 Accordingly,

- 2 1. This action is dismissed with prejudice based on plaintiff's failure to state a claim  
3 upon which relief may be granted.  
4 2. The Clerk of Court is directed to close this case.

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7 IT IS SO ORDERED.

8 Dated: December 2, 2025



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UNITED STATES DISTRICT JUDGE

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